

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 05-11067-PBS

VOLKSWAGEN AG,	)
VOLKSWAGEN OF AMERICA, INC.	)
and BUGATTI INTERNATIONAL, S.A.,	)
	)
Plaintiffs,	)
	)
v.	)
	)
THE BUGATTI, INC.,	)
	)
Defendant.	)
	)

**JOINT STATEMENT AND PROPOSED SCHEDULING ORDER**

Plaintiffs Volkswagen AG, Volkswagen of America, Inc. and Bugatti International, S.A. ("Plaintiffs") and Defendant The Bugatti, Inc. ("Defendant") respectfully submit this Joint Statement and Proposed Scheduling Order pursuant to Local Rule 16.1(D).

**I. PROPOSED SCHEDULING ORDER**

After consideration of the topics contemplated by Fed. R. Civ. P. 16(b), (c) and 26(f), the parties propose the following schedule:

1. Fed. R. Civ. P. 26(a)(1) initial disclosures shall be completed on or before September 26, 2005. Upon service of initial disclosures, a party may serve written discovery requests pursuant to Local Rule 26.2(A).
2. The deadline for adding parties is December 30, 2005.
3. Fact discovery closes March 31, 2006.

4. Trial experts relating to issues on which a party bears the burden of proof to be designated with disclosure of information in accordance with Fed. R. Civ. P. 26(a)(2) by May 1, 2006.
5. Rebuttal trial experts to be designated with disclosure of information in accordance with Fed. R. Civ. P. 26(a)(2) by June 1, 2006.
6. Reply expert reports served by June 15, 2006.
7. All expert witness depositions to be completed by July 31, 2006.
8. Dispositive Motions shall be filed on or before September 15, 2006.
9. Opposition to Dispositive Motions shall be filed on or before October 16, 2006.
10. Replies to Oppositions to Dispositive Motions shall be filed on or before October 30, 2006.
11. The parties request that the final pre-trial conference be scheduled in December 2006, at the convenience of the Court.
12. Trial to be scheduled at the convenience of the Court.

## **II. PROPOSED ALTERATIONS TO DISCOVERY EVENT LIMITATIONS**

1. Plaintiffs propose that the number of depositions be limited to ten (10) depositions, as set forth in Local Rule 26.1(C). Defendant proposes that the number of depositions be limited to five (5) depositions. Plaintiffs oppose this alteration of the limits set forth in Local Rule 26.1(C).

2. Plaintiffs propose that Requests for Admission directed to the authenticity of documents not be counted against the limit of twenty-five (25) Requests for Admission set forth in Local Rule 26.1(C). Defendant opposes this proposal.

3. Plaintiffs propose that depositions upon written questions pursuant to Fed. R. Civ. P. 31 directed to third parties such as Defendant's distributors not be counted against the limit of ten (10) depositions set forth in Local Rule 26.1(C). Defendant opposes this proposal.

**III. LOCAL RULE 16.1(D)(3) CERTIFICATION**

Certifications of compliance with Local Rule 16.1(D)(3) are attached to this Joint Statement, or shall be filed with the Court at or before the scheduling conference.

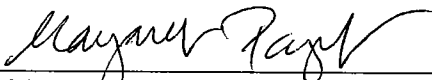
Respectfully submitted,

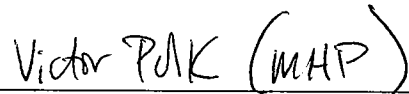
VOLKSWAGEN AG, VOLKSWAGEN OF  
AMERICA, INC. and BUGATTI  
INTERNATIONAL, S.A.,  
*Plaintiffs*

THE BUGATTI, INC.  
*Defendant*

By their attorneys,

By its attorneys,

  
\_\_\_\_\_  
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Dated: September 1, 2005